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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/630,996

07/30/2003

Linda Williams Dunfield

DNFLD.201

7731

7590

08/09/2004

Mr. J. Stephen Dunfield
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EXAMINER

FRIEDHOFFER, MICHAEL A

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/630,996	Applicant(s) DUNFIELD ET AL.	
	Examiner Michael A. Friedhofer	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0807</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1, 11, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 7 replace "an electric" with --said electric--.

In claim 1, line 9 "on/off" is an improper form of the alternative making the claim indefinite.

In claim 1, line 12 it is unclear to what element "it" is referring and it should be replaced by the element to which it refers.

In claim 11, line 7 replace "an electric" with --said electric--.

In claim 11, line 9 "on/off" is an improper form of the alternative making the claim indefinite.

In claim 11, line 12 it is unclear to what element "it" is referring and it should be replaced by the element to which it refers.

In claim 18, line 10 "on/off" is an improper form of the alternative making the claim indefinite.

In claim 18, line 13 it is unclear to what element "its" is referring and it should be replaced by the element to which it refers.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kram in view of Kawakami et al.

Kram discloses in figure 1 a power switch control unit for controlling the operation of a controlled electric device connected to the unit including a housing (not shown) a power cord (10,12) having a plug on one end for connection to a power supply; receptacles (20,40,42,44,46, and 48) for receiving power cords from the devices to be controlled by the power switch control unit; on/off switch 14; and control buttons (50,52, 54, 56, and 58). The control buttons are formed by illuminated LCDs that perform the function of a timer activation button for activating the timing mechanism (24, 26,28,30, and 32) for connecting the device to the power supply for a predetermined amount of a time in a timed cycle and then disconnects the connected electric device. The LCDs form display for displaying the time remaining in the predetermined period of time. Multiple operations of the timer activation button program the timing mechanism to operate for multiple cycles. The length of the cycles are user adjustable. Safety and power conditioning devices may be installed in the power outlet device. As for the decorative housing cover and the dimming of the illumination, these are a matter of engineering design choice not affecting the operation or function of the device and are related to the ergonomics based on the location and use to which

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it is placed in which dimming illumination is well known for making a less obtrusive display in the dark.

Kram does not disclose the control buttons as forming a clear timer button for terminating the predetermined amount of time.

Kawakami et al teaches a timer including a clear timer button.

It would have been obvious to one of ordinary skill in the art to apply the teachings of Kawakami et al to Kram to include a clear timer button in the LCDs because this is for the purpose of quickly terminating the timing function of the devices for immediate shut off or in case of mis-entering of timing information.

Allowable Subject Matter

4. Claims 3, 4, 13, 14, 19, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. Claim 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hulshizer, Schreiber, Rodolfo et al, Keizer et al, Chow, and Lee ('616 & '523) teach various outlet strips and/or timer outlets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 571-272-1992. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael A. Friedhofer
Primary Examiner
Art Unit 2832

maf